THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO. 4680 OF 2007
DATE: 08.3.2007

Between:

K. Venkatesulu, S/o K. Nanjundappa, age 44 years, Occ. Driver, E.No.406956, Behind Masq, RTC Colony, Hindupur, Anantapur District.

…Petitioner

AND

1. The Vice Chairman & Managing Director, APSRTC, Musheerabad, Hyderabad and two others

….Respondents

HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO. 4680 OF 2007

Order:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The petitioner states that while he was working as driver in the respondents-Corporation, as he was declared as unfit to hold the said post, vide order dated 12.10.2006, and was not allowed to discharge his duties, on the ground of shortening of his left leg, and not provided any alternative employment as per the provisions of Section 47 of the Persons with Disabilities (equal opportunity, protection of rights, full participation) Act, 1995 (for short 'the Act'), he made a representation dated 20.12.2006 requesting the respondents-Corporation to provide alternative employment, but so far no orders thereon have been passed. Hence, he filed the present writ petition.

A Division Bench of this Court in ***N. Siva Kumar v. APSRTC, Musheerabad, Hyderabad***[1], considered similar issue and directed the authorities to consider the case of the employee in the light of the provisions of the Act for alternative employment. The relevant portion reads as under;

> "Having regard to the fact that a right has been conferred upon the appellant herein under a statute, although the question raised herein has not been raised before the learned single Judge, we, in modification of the order passed by the learned single Judge, direct the appellant herein to

file a representation, if not already filed, before the appropriate authority seeking the relief prayed for in this appeal, and on receipt of such a representation, the appropriate authority may consider the case of the appellant in the light of the aforementioned provisions and the decisions referred to hereinbefore, and pass an appropriate order at an early date, preferably within a period of four (4) weeks from the date of communication of this order."

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In that view of the matter, I deem it appropriate to dispose of the writ petition with the following direction.

The respondents-Corporation is directed to consider the representation, dated 20.12.2006, of the petitioner for providing alternative employment in lieu of his medical unfitness in the light of the provisions under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and pass appropriate orders thereon, expeditiously.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J.

Date: 08.03.2007
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1 2001 (3) ALD 166 (DB)